

COUNTY OF YORK

MEMORANDUM

DATE: February 23, 2005 (BOS Mtg. 3/15/05)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP 664-05, Berrane Enterprises, Inc.

ISSUE

This application requests a minor modification of a Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize a third extension of the expiration date for a use permit authorizing the establishment of a mini-storage warehouse facility on a 5.83-acre parcel located at 905 Denbigh Boulevard (Route 173) approximately 917 feet east of the Newport News city line and further identified as Assessor's Parcel No. 28-(1)-A. The use permit was originally approved in 2001 and its term was extended for additional one-year increments in 2003 and 2004. The applicant's project must include an adequate water supply for fire suppression and one option for obtaining that capacity is the public water supply that will be constructed in conjunction with the adjacent residential development (*n/f* Colony Pines of York). Due to continued delays in the construction of that project, the applicant has requested an additional extension for the mini-warehouse use permit term.

BACKGROUND

On April 17, 2001, the Board approved an application for a Special Use Permit to authorize the establishment of a mini-storage warehouse facility on the 5.83-acre RIP's convenience store parcel on the north side of Denbigh Boulevard. Pursuant to Section 24.1-115(c)(1) of the Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established. A use is considered to be established if all necessary foundation work has been completed and construction work is continuously and diligently pursued under a valid building permit. One-year extensions were approved by the Board in 2003 and 2004 and the property owner has requested that the Board amend the use permit by again extending the time limit to accommodate the completion of utility construction (public water service) that will serve the area.

Section 24.1-115(d)(2) of the Zoning Ordinance states that the Board may approve minor modifications to the conditions of an approved and currently valid special use without a public hearing provided that the following four criteria are met:

- There will be less than a 25% increase in either total lot coverage or floor area;

- There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
- Nothing in the currently valid special use permit precludes or limits such expansion or enlargement;
- The proposal is consistent with the Zoning Ordinance and the Comprehensive Plan.

This request meets these criteria and is therefore being processed as a minor amendment. Such amendments do not require prior review by the Planning Commission.

CONSIDERATIONS/CONCLUSIONS

The approved mini-storage warehouse facility will be located behind RIP's convenience store on Denbigh Boulevard adjacent to the future site of the Colony Pines of York planned development, which was approved by the Board of Supervisors in 1993. Development of the Colony Pines project has proceeded slowly, primarily because of wetlands issues and market conditions. Construction of the project infrastructure is now underway, but will not be complete by the March 16th expiration of the applicant's use permit.

The development schedule for Colony Pines is significant because it will include the extension of public water to serve the residential development and the adjacent commercial properties, including the applicant's. There is no public water currently available along this segment of Denbigh Boulevard. The RIP's store is served by a private well. For purposes of fire protection, the developer of the mini-storage facility is required, as a condition of the use permit, to connect to public water at such time as it becomes available. The approving resolution also gives the applicant the option, either as an interim measure or in the event that water is not extended, of installing an alternative means of fire suppression, such as an on-site water storage system (e.g., a tank or a pond) or some other arrangement acceptable to the York County Department of Fire and Life Safety. Since it is now evident that public utilities will be extended to this area in conjunction with the construction of Colony Pines, the applicant plans to connect to that water system. The site plan for the mini-storage facility, submitted to the County on January 14, 2003, indicates that it will connect to the public water supply within 180 days of being notified by the County that waterlines have been extended to the property.

RECOMMENDATION

If this time extension is denied, the applicant will be required to apply for a new use permit, including public hearings and Planning Commission review, in order to construct the mini-storage facility. Since the factors contributing to the approval of the original use permit application (isolated location, low visibility, enhanced landscaping, aesthetic controls, low traffic impacts) have not changed, I do not believe this will accomplish

anything other than place an unnecessary burden on the applicant. The applicant's request for an additional extension to allow enough time for the Colony Pines waterline extension to occur appears reasonable, and I recommend that it be approved. However, given the uncertainty as to when the public water supply will actually be available, and to avoid the need for another extension request, I recommend that the term be set to expire *one year from the date that the public water supply is extended to the applicant's property line*. This may be accomplished through the adoption of proposed Resolution No. R05-38.

Carter/3337

Attachments

- Vicinity Map
- Letter from Bradley E. Berrane to Mark Carter dated February 22, 2005
- Proposed Resolution No. R05-38